

REMARKS

Claims 2-6, 8-11, 13-17, and 19-23 are pending. Claims 1-6, 8-17, and 19-23 have been rejected. Claims 1, 7, 12 and 18 have been canceled.

Amendment to the claims

Per the Examiner's suggestion, **claims 11 and 22 are amended to incorporate the limitations of claims 1 and 22, respectively, and are now allowable.** Claims 2-6, 8-10 and 23 are amended to depend from claim 11. Claims 13-17 and 19-22 are amended to depend from claim 22. Accordingly, claims 2-6, 8-11, 13-17, and 19-23 are allowable.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1-6, 8-17, and 19-23 have been rejected as being indefinite under 35 U.S.C. §112, second paragraph. Applicants believe the rejections are moot in light of the amendments to the claims.

Rejections under 35 U.S.C. § 102

Claims 1, 3-6, 8, 12, 14-17 and 19 are rejected under 35 U.S.C. §102(b) as being anticipated by Sakkers et al. "Assessment of bioactivity for orthopedic coatings in a gap-healing model" with reference to "PolyActive™" factsheet ("Sakkers"). Applicants believe the rejections are moot.

Claims 1-5, 9, 12-16, and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,005,020 to Loomis ("Loomis"). Applicants believe the rejections are moot.

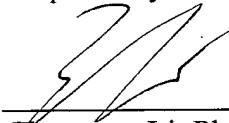
Claims 1-6, 8-10, 12-17 and 19-22 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,730,313 to Helmus et al ("Helmus"). Applicants believe the rejections are moot.

Claims 1 and 23 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. application publication No. 2004/0253203 by Hossainy et al (“Hossainy”). Applicants believe the rejections are moot.

Withdrawal of all the rejections and allowance of all the pending claims are respectfully requested. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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Respectfully submitted,



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